

IN RE: PETITION FOR ZONING VARIANCE
NW/4 Snyder Lane, 30' NW of
the c/l of Snyder Lane
(9302 and 9304 Snyder Lane)
11th Election District
5th Councilmanic District
Norman S. Miller, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-265-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit window to street right-of-way setbacks of 18.2 feet and 14.4 feet in lieu of the required 25 feet each for Lots 1 and 34, respectively, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Richard Ginger, President, Threshold Development Corporation, Contract Purchaser of the subject property, appeared, testified and were represented by David A. Rodgers, Esquire. Also appearing on behalf of the Petition was Lois S. Miller. Appearing as Protestants were the following: Francis T. Sigwart, Steve M. Hogan, Michael P. Trombetta, Joseph Kopena, Timothy B. Winterling, and Howard L. St. Clair. The Protestants designated Mr. Sigwart as their spokesperson.

Testimony indicated that the subject properties, known as 9302 and 9304 Snyder Lane, are zoned D.R. 5.5 and improved with single family dwellings. The properties, also known as Lots 1 and 34, are situated at the entrance to a subdivision being developed to the rear of the subject properties and existing homes on Snyder Lane by the Contract Purchaser. Mr. Ginger testified the subject Petition was filed after discussions with County Planners regarding the preference of a 50-foot street right-of-way in lieu of the originally proposed 30-foot street right-of-way to provide access to the proposed development. A 30-foot right-of-way could be provided without the necessity of any variance. In order to increase access from 30 feet to 50 feet, the requested side yard variances for the existing dwellings on Lots 1 and 34 are needed. The owners of Lots 1 and 34 have no objection to the requested variances.

The Protestants, all residents of Snyder Lane, are opposed to any development behind them. They feel the proposed development will result in increased traffic adversely impacting them. The Protestants question why the entranceway could not be from Chapel Road in lieu of Snyder Lane. Testimony presented by Petitioners indicated that if the variance was not granted, Petitioners could have a 30-foot right-of-way and still meet the setback requirements for the dwellings existing on Lots 1 and 34.

At the hearing, it was explained to the Protestants that most of their concerns are matters which could be more appropriately addressed at the CRG review process.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted. The granting of the requested variance is not to be construed as a determination that the proposed subdivision and access are appropriate. It is felt these issues would be more appropriately addressed during the CRG review process.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of February, 1989 that the Petition for Zoning Variance to permit window to street right-of-way setbacks of 18.2 feet and 14.4 feet in lieu of the required 25 feet each for Lots 1 and 34, respectively, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) CRG approval without a waiver is required prior to the issuance of any permits.
- 3) Petitioners shall not request any future front, rear or side yard variances for Lots 1 through 34.

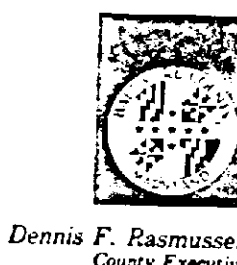
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

-3-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333 887-3355
J. Robert Haines
Zoning Commissioner

February 6, 1989



David A. Rodgers, Esquire
209 E. Fayette Street
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
NW/4 Snyder Lane, 30' NW of the c/l of Snyder Lane
(9302 and 9304 Snyder Lane)
11th Election District - 5th Councilmanic District
Norman S. Miller, Jr., et ux - Petitioners
Case No. 89-265-A

Dear Mr. Rodgers:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

Dennis F. Rasmussen

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Francis T. Sigwart
9313-A Snyder Lane
Perry Hall, Md. 21128

Mr. Steve M. Hogan
9308 Snyder Lane
Perry Hall, Md. 21128

Mr. Michael P. Trombetta
9310 Snyder Lane
Perry Hall, Md. 21128

People's Counsel

Mr. Joseph Kopena
9111 Snyder Lane
Perry Hall, Md. 21128

Mr. Timothy B. Winterling
9313-B Snyder Lane
Perry Hall, Md. 21128

Mr. Howard L. St. Clair
9314 Snyder Lane
Perry Hall, Md. 21128

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-265-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.5.6. (V.R.6.e.1.C.M.D.P.1) to permit window to street right-of-way setbacks of 18.2' and 14.4' in lieu of the required 25' for Lots 1 and 34, respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)
The only means of access for the proposed subdivision is with a fifty foot street right-of-way between lots 1 and 34. The right-of-way would require a window to street setback variance for each lot (1 and 34) since the dwellings exist (see Exhibit), and have side windows.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: THRESHOLD DEVELOPMENT GROUP, INC.
(Type or Print Name)
Signature: *[Signature]*
Address: 120 Cockeysville Road, Ste. 105
Hunt Valley, Maryland 21031
City and State

Legal Owner(s):
Norman S. Miller, Jr. (Type or Print Name)
Signature: *[Signature]*
Lois S. Miller (Type or Print Name)
Signature: *[Signature]*

Attorney for Petitioner:
David A. Rodgers (Type or Print Name)
Signature: *[Signature]*
Address: _____
City and State: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
City and State: _____
Name: _____
Address: _____
City and State: _____
Phone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of February, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of January, 1988, at 2:30 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

AC AZIMUTH CONSULTANTS

DESCRIPTION TO ACCOMPANY APPLICATION FOR ZONING VARIANCE

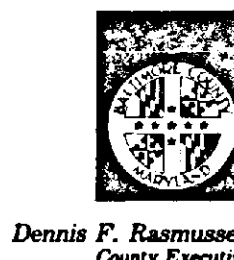
Beginning for the same at a point on the northwest side of Snyder Lane (60 feet wide) said point being distant North 43 degrees 39 minutes 39 seconds East 43 feet and North 49 degrees 10 minutes 52 seconds East 30 feet from the point formed by the intersection of the centerline of Sandra Lake Road with the centerline of Snyder Lane, thence being all of lots 1 and 2 as shown on the plat entitled "Norman Miller Property" recorded among the land records of Baltimore County in Plat Book E.H.K., JR. 42 folio 68.

Containing 2.9448 acres of land more or less and being located in the Eleventh Election District of Baltimore County, Maryland.

120 Cockeysville Road / Suite 105 / Hunt Valley, Maryland 21031 / (301) 785-2300

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

Date: 1/6/89



Threshold Development Group, Inc.
120 Cockeysville Road, Suite 105
Hunt Valley, Maryland 21031

Re: Petition for Zoning Variance
Case Number: 89-265-A
NW/4 Snyder Lane, 30' NW c/l Snyder Lane
9302-9304 Snyder Lane
11th Election District - 5th Councilmanic
Legal Owner: Norman S. Miller, Jr., et ux
Contract Purchaser: Threshold Development Group, Inc.
Hearings: Tuesday, January 17, 1989 at 9:30 a.m.

Gentlemen:

Please be advised that \$8745 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the County Office 15 minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 1/17/89 ACCOUNT: R-01-615-000
AMOUNT: \$ 8745

RECEIVED FROM: Threshold Development Group, Inc.
FOR: 71A 1/17/89 Haines

8 BPT*****2744-2 1718 89-265-A

VALIDATION OR SIGNATURE OF CARRIER

post set(s), there each set not

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

DEC 08 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-265-A
NW/4 Snyder Lane, 30' NW c/l Snyder Lane
9302-9304 Snyder Lane
11th Election District - 5th Councilmanic
Legal Owner: Norman S. Miller, Jr., et ux
Contract Purchaser: Threshold Development Group, Inc.
Hearing Scheduled: Tuesday, January 17, 1989 at 9:30 a.m.

Variance to permit a window to street right-of-way setbacks of 18.2' and 14.4' in lieu of the required 25' for lots 1 and 34, respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Threshold Development Group, Inc.
File

[illegible]

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Dec. 29, 1968.

S. Zehe *Orlwan*

Publisher

PO 07793
reg M25119
case 89-265-A
price \$72.45

District 174 Date of Posting 1/1/89
 Posted for: Donna
 Positioner: Norman S. Miller for Harold's Delaplanche & Co., Inc.
 Location of property: Mt. S. Snyder Lane 50' NW 3/4 Sec 10
R302 + 8804 Snyder Lane
 Location of Signs: Along Snyder Lane, approx. 1/4 mi. S.W. way. Two
58' x 70' one on each lot.
 Remarks:
 Posted by: M. H. H. H. Date of return: 1/6/89
 Number of Signs: 2

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
394-3554

October 28, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 107, 112, 115, 116, 117, 118, 119, 120, 122, 123, 125, 126, and 127.

Very truly yours,

Michael S. Flanigan
Engineering Associate

MSF/LVW

RECEIVED
NOV 9 1983
ZONING OFFICE

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
5th day of October, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received by: James E. Dwyer
Chairman, Zoning Plans
Advisory Committee

Threshold Development
Petitioner's Group, Inc.
Attorney David A. Rodgers

Petitioner Threshold Development
 Petitioner's Group, Inc.
 Attorney David A. Rodgers

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Paul H. Reincke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

October 3, 1988

Re: Property Owner: Threahold Development Group, Inc.

Location: NW/side of Snyder La., 30' NW of c/l of Snyder Land and

Item No.: 122

Zoning Agenda: Meeting of 10/4/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt Joseph Kelly 10-3-88
Planning Group
Special Inspection Division

Noted and

Approved: _____
Fire Prevention Bureau

171

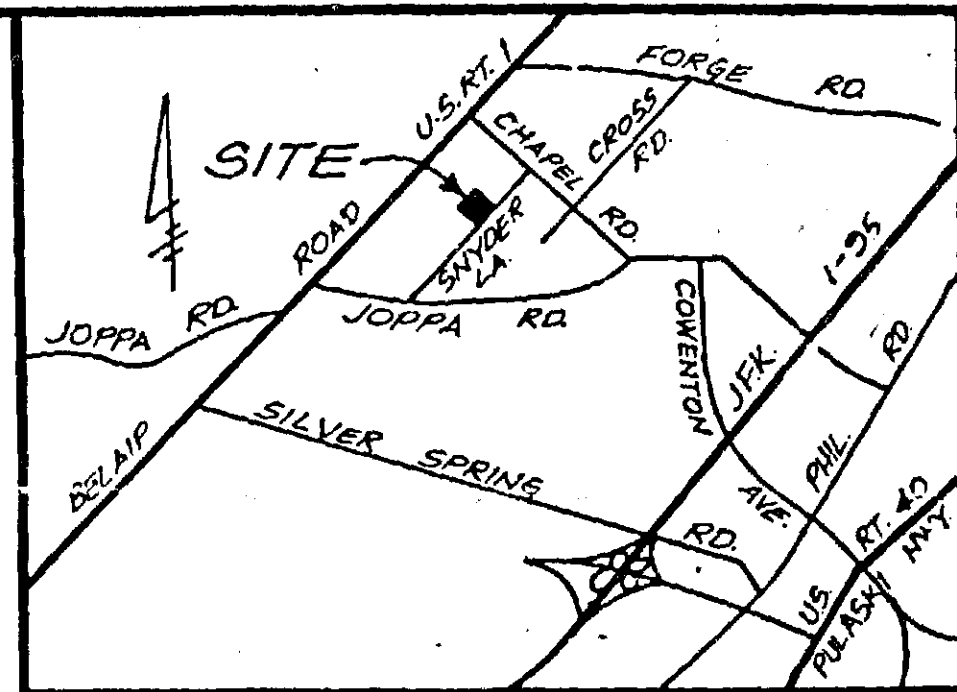
PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET[illegible]



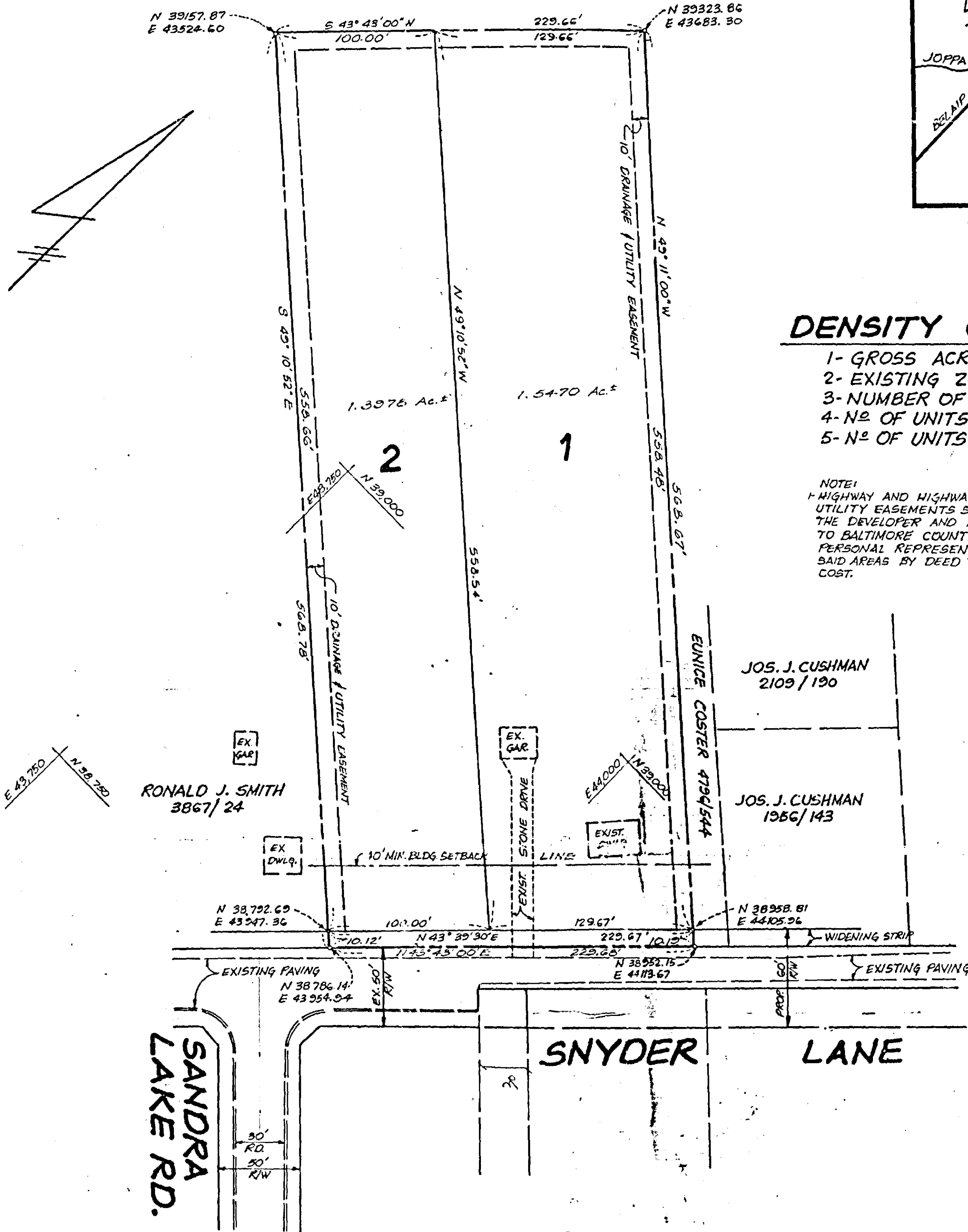
VICINITY MAP

SCALE: 1"=1 MILE

DENSITY CALCULATIONS

1- GROSS ACREAGE	2.94 Ac.
2- EXISTING ZONING	DR-5.5
3- NUMBER OF PROP. LOTS	2
4- No OF UNITS ALLOWED	2.94 Ac. x 5.5 = 16.17 D.U.
5- No OF UNITS PROPOSED	2 D.U.

NOTE:
HIGHWAY AND HIGHWAY WIDENING - SLOPE DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES, AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST.



APPROVED:
BY BALTIMORE COUNTY HEALTH DEPARTMENT

Donald J. Bland
DEPUTY STATE & COUNTY HEALTH OFFICER DATE

APPROVED:
BY BALTIMORE COUNTY PLANNING BOARD

William F. Miller 2/10/78
DIRECTOR DATE

APPROVED:
FOR ALIGNMENT & LOCATION OF STREETS

John F. Miller 2/13/78
ROADS ENGINEER DATE

DEVELOPER

NORMAN MILLER
4311 SLATER AVENUE
BALTO., MD. 21236

SURVEYOR

DEVELOPMENT DESIGN GROUP, LTD
303 W. PENNSYLVANIA AVE.
TOWSON, MD. 21204

NORMAN MILLER PROPERTY

11TH ELECT. DIST. BALTO. CO. MD.
SCALE: 1"=50' JAN. 13, 1978
E.H.K., JR. 42 FOLIO 68

Filed for record

Date FEB 14 1978

2001

By	Noted
By	
By	
By	

SURVEYOR'S CERTIFICATE

I, PETER H. WAELCHLI, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAID-OUT AND THE PLAT THEREOF PREPARED IN COMPLIANCE WITH SECTIONS 72A TO 72E, INCLUSIVE, OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1930 EDITION, AS ENACTED OR AMENDED BY ACTS OF 1945, 1947 AND SUBSEQUENT ACTS, IF ANY AMENDATORY THERETO.
Peter H. Waelchli 9700
DATE REGISTERED LAND SURVEYOR N.S.

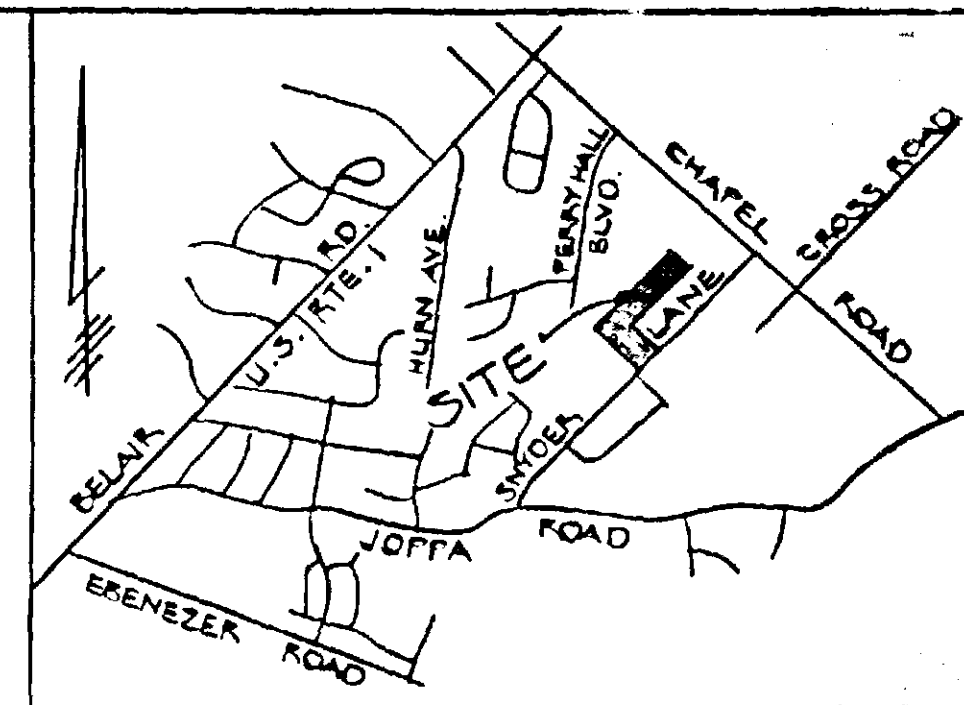
THE SHOWING OF STREETS AND WAYS ON THIS PLAT IS FOR THE PURPOSE OF DESCRIPTION ONLY AND IS NOT FOR THE PURPOSE OF DEDICATION. THIS PLAT SHOWS ONLY A CONTEMPORARY LAYOUT OF STREETS AND WAYS AND NO RIGHTS OR EASEMENTS OF ANY KIND ARE INTENDED TO BE CONFERRED OR IMPLIED BY THE SHOWING OF STREETS OR WAYS HEREON. REFUSE COLLECTION, SNOW REMOVAL AND ROAD MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE STREET RIGHT OF WAY LINE ONLY AND NOT INTO THE LOT DRIVEWAY.

OWNER'S CERTIFICATE

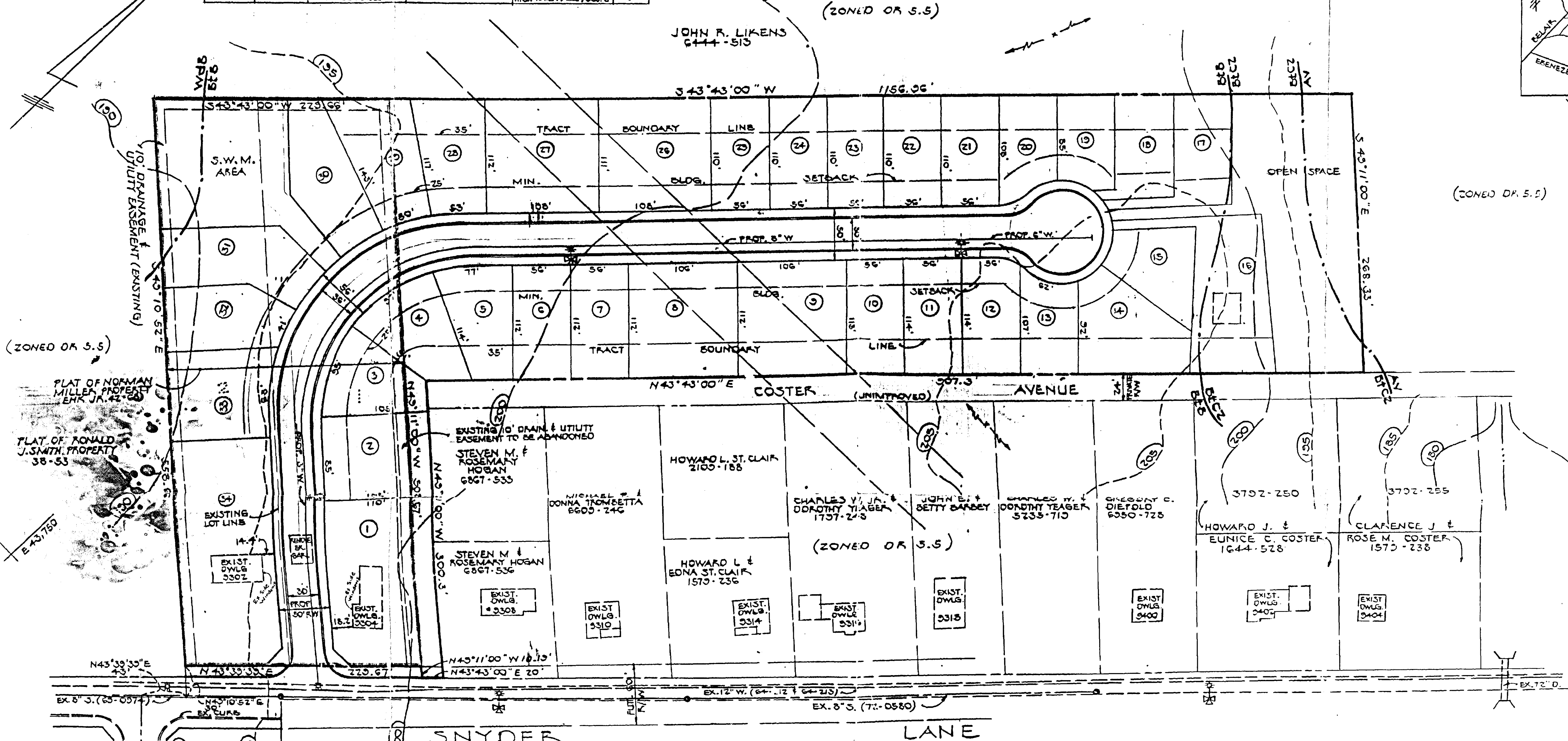
THE REQUIREMENTS OF SECTIONS 72A TO 72D OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1930 EDITION, CHAPTER 101G OF THE ACTS OF 1945, AS AMENDED BY CHAPTERS 84 AND 76 B OF THE ACTS OF 1947 AND 1948 SEQUENT ACTS, IF ANY, AMENDATORY THERETO, SO FAR AS THEY CONCERN THE MAKING OF THIS PLAT AND SETTING OF THE MARKERS, HAVE BEEN COMPLIED WITH.

William F. Miller 1-28-78
OWNER OF LAND SHOWN HEREON DATE

SOIL LIMITATIONS (BALD. CO. SOILS MAP NO. 36)					
SERIES	SYMBOL	DESCRIPTION	STRENGTH	PERCENTAGE	SOIL GROUP
ALLUVIAL SAND	AV	MODERATELY HIGH WATER TABLE	SLIGHT	MODERATELY HIGH WATER TABLE	D
BALTSVILLE	BdD	MODERATELY HIGH WATER TABLE	SLIGHT	MODERATELY HIGH WATER TABLE	C
"	BdCZ	"	"	"	C
WOODSTOWN	WdS	MODERATELY HIGH WATER TABLE	"	"	C



VICINITY MAP
SCALE: 1" = 2000'



- NOTES
- EXISTING ZONING - OR S.5
 - AREA 2.9448 ACRES ±

DATE	REVISION

PREPARED BY
MIMUTH CONSULTANTS, INC.
20 COCKEYSVILLE ROAD
COCKEYSVILLE, MARYLAND
21031
301-785-2300

APPLICANT
THRESHOLD DEVELOPMENT GROUP, INC.
170 COCKEYSVILLE RD.
COCKEYSVILLE, MARYLAND 21031
785-2300

LOT 1 MILLER PROPERTY
WILLIAM PETERSON
5304 SNYDER LANE
BALTO., MD 21236
DEED 5852-371
PROP. NO. 1805000222

OWNERS
LOT 2 MILLER PROPERTY
NORMAN & LOIS MILLER
5302 SNYDER LANE
BALTO., MD 21236
DEED 5857-686
PROP. NO. 1805000223

REMAINDER
HOWARD J. & EUNICE COSTER
5402 SNYDER LANE
BALTO., MD 21236
DEED 4756-544
PROP. NO. 1103047877

VARIANCE PLAT
9302 & 9304 SNYDER LANE
ELECTION DISTRICT 11, C-5
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50'

SEPT. 15, 1988

PETITIONER'S
EXHIBIT 1